

E-Rate Elite Services, Inc.

Garnet E. Person
Chief Executive Officer

Funding Technology Made Easier

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DEC 5 2005

Federal Communications Commission
Office of the Secretary

November 28, 2005

Request for Review
Federal Communications Commission
Office of the Secretary
445 12th Street, SW
Washington, DC 20554

Re: Request for Review – District of Columbia Public Schools
Application No. 393704 (Form 471, Funding Year 2004)
Billed Entity No. 126340
Funding Request No. 1199658
CC Docket No. 02-6

Federal Communications Commission Officer:

This Request for Review addresses the Schools and Libraries Division's (SLD) decision to deny an appeal regarding funding for Funding Request No. (FRN 1199658) requested on the above-referenced FCC Form 471 (Application No. 393704) submitted by E-Rate Elite Services, Inc. ("E-Rate Elite") on behalf of the District of Columbia Public Schools ("DCPS").¹ The June 21, 2005 Funding Commitment Decision Letter (FCDL) denied the aforementioned FRN and provides the following explanation: "30% or more of this FRN includes a request for KidBiz3000 which is an ineligible service based on program rules."² Conversely, the Administrator's Decision on Appeal denies funding based on the assertion that "E-mail3000" is an ineligible service.

As set forth in greater detail below, E-Rate Elite provided documentation to support the aforementioned request. E-Rate Elite believes that documentation to be consistent with SLD standards for the determination of eligibility. We also believe the services requested on FRN 1199658 are eligible for funding based on the Eligible Services List.

¹ Administrative Decision on Appeal Letter, Universal Service Administrative Company, to Garnet Person, E-Rate Elite Services, Inc., dated October 21, 2005.

² Funding Commitment Decision Letter from Schools and Libraries Division, Universal Service Administrative Company, to DCPS, c/o Garnet Person, dated June 21, 2005.

1. SLD Concur with E-Rate Elite's Assertion that the Request was for E-Mail3000

E-Rate Elite contended in our August 20, 2005 filing that the services requested on the aforementioned FRN were for E-mail3000 and not KidBiz3000, which was the basis for the original denial in the June 21, 2005 FCDL. E-Rate Elite asserted, "On October 13, 2004, after remaining in constant contact with Mr. Christie as to our progress in obtaining the requested information, E-Rate Elite provided an e-mail response, which addressed several outstanding issues, inclusive of FRN 1199658. The information specific to that FRN was included in the e-mail as a file attachment entitled "Email3000 DCPS 011604.doc".³ This document was cross-referenced within the file attachment "SLD Response 393704.doc", which served as an explanatory document for all other file attachments."⁴

Based on the representations contained within the Administrator's Decision on Appeal letter, we believe it reasonable to assert that SLD concurred that the incorrect service was used to evaluate the original decision rendered on the FCDL.

2. Services Requested are Compliant with the SLD Eligible Services List.

The services requested on FRN 1199658 were for student and teacher e-mail accounts through KidBiz3000, also known as Achieve3000. The Eligible Services List governing requests for Funding Year 2004 lists E-mail Account Fees and E-mail Service as eligible items.

The E-mail3000 solution requested is an Internet based E-mail service. SLD asserts in their appeal decision, "However, e-mail accounts that are limited only to a small portion of Internet e-mail community does not fit within the FCC's eligibility requirements for Internet Access."⁵ We believe this assertion to be inconsistent with the information provided within the Eligible Services List.

Services provided by E-mail3000 are in fact "e-mail accounts." The size of the Internet population which students and teachers may access via a given e-mail account/service is not qualified within the Eligible Services List. SLD makes reference in their decision to a "small portion of the Internet e-mail community," however provides no reference to a standard or minimum access requirement as to how many Internet e-mail users must be accessible for this service to be eligible.

E-Rate Elite questions the SLD's assertion that limiting accessibility to the Internet community would render this e-mail service and account ineligible. Especially, given the requirement to certify compliance with the Children's Internet Protection Act for receipt of E-Rate funding. The Children's Internet Protection Act specifically mandates limitations be established relative to students' accessibility to the Internet community.

³ See Exhibit A, Achieve3000 DCPS Proposal, dated January 16, 2004.

⁴ See Exhibit B, Letter to Mr. John Christie (SLD), dated October 6, 2004.

⁵ See Administrator's Decision on Appeal Letter, dated October 21, 2005.

4. Conclusion

The attached documentation clearly proves: (1) the applicant properly documented the funding request (2) Clearly the Eligible Services List provides for the eligibility of e-mail accounts and service. SLD's assertion that there is some established threshold for the portion of the Internet community that applicant's e-mail services are capable of accessing is unsupported and inconsistent with the required compliance with the Children's Internet Protection Act. DCPS has selected this service as the most cost effective solution for student and teacher e-mail accounts. Based on the foregoing, we respectfully request the FCC grant this Request for Review and remand this application to the SLD for further consideration under the established policies and procedures for evaluating applications in Funding Year 2004.

Sincerely,



Garnet E. Person
CEO, E-Rate Elite Services, Inc.

Enclosures: Exhibits A-B



DCPS Proposal

To Charles Thompson, DC Public Schools

From Achieve3000, Howell, NJ

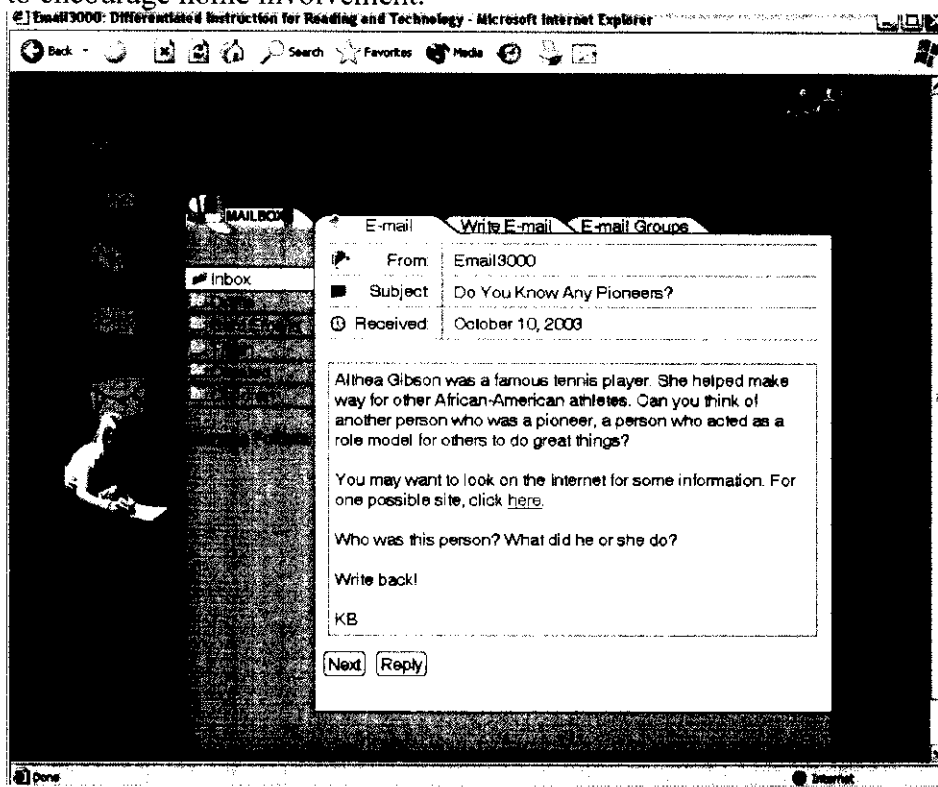
Date January 16, 2004

For KidBiz3000 student and teacher e-mail (a.k.a. Email3000; SPIN# 143025686)

By Saki Dodelson

KidBiz3000 E-mail Program Overview

The KidBiz3000 e-mail program (also known as *Email3000*) is an Erate-eligible e-mail program that provides e-mail tools and daily e-messages for students and teachers, with a parent component to encourage home involvement.



With Email3000, students receive a short daily e-message about current events, movies, books, sports or other topics of interest. Because the messages are processed by the same content customization engine that powers Achieve3000's other products for differentiated instruction, students always receive e-mails that are written at their own reading and interest level. This encourages children to read, think critically and write - every day.

100% spam-free

Email3000 is a safe, spam-free and kid-friendly alternative to traditional POP3 e-mail accounts because students can exchange messages only with other users. In addition, messaging can be restricted by class, grade or school, depending on the preferences and policies of the school district. Schools can choose to include parents in the program by assigning them Email3000 accounts, which enables parents to exchange e-mails with their children and teachers.

Easily implemented

The easy-to-use interface gets students using the program immediately, and daily messages from Achieve3000 motivate them to continue using it program every day. All messages are reading-level-appropriate, regardless of the student's actual grade level. And the system is 100% secure, preventing spam and other inappropriate uses of e-mail.

Robust functionality

Email3000's interface and functionality mirror traditional Web-based e-mail programs.

Email3000 gives users the ability to:

- Send attachments
- Manage folders
- Send group messages
- Format messages
- Selectively delete or move single or multiple messages

Scope of Services

NOTE: Since the district's Year 6 funding is not yet secure, at your suggestion we are refilling for basic installation and staff development which were covered in the Year 6 filing. Please note, however, that we are open to negotiating these items. This filing covers the following services:

- **Email3000 setup and installation for 65,000 students.** The school district will provide Achieve3000 with electronic class lists. Achieve3000 will set up unique user names and passwords for each student, along with a school and district "profile" to allow for communication between classes and schools.
- **Email3000 licenses for 65,000 students.** Each of the students covered by this proposed implementation shall have unlimited access to his or her user account via a unique username and password issued by Achieve3000.
- **Twelve days of on-site staff development.** We will use a "train-the-trainers" model to train technology teachers in each school. These teachers will then train individual classroom teachers. In order to train this quantity of teachers, we are filing for 20 days of staff development. This is based on the following analysis:
 - 167 schools in total (101 elementary schools, 11 middle schools, 9 junior high schools, 20 senior high schools, 6 educational centers, 20 special schools)
 - Each school selects two trainers, for a total of 334 trainers.
 - Each trainer attends an initial 1½ hour training session. With four sessions per day and 25 trainers per session, it takes training four days to train 334 trainers.
 - Over the rest of the year, each trainer attends two follow-up sessions, for a total of three sessions per trainer, or 12 days in total.

Usage Restrictions

A KidBiz3000 user account may not be shared. KidBiz3000 content may be reproduced electronically or xerographically, but only for distribution among KidBiz3000 account holders.

Proposal Terms

The terms of this proposal are valid for 60 days from the date on its cover. The information in this document shall not be disclosed outside its designated recipient and shall not be duplicated, used or disclosed in whole or in part for any purpose other than to evaluate the proposal, provided that if a contract is awarded to KidBiz3000 as a result of or in connection with the submission of this document, its recipient shall have the right to duplicate, use or disclose the

information to the extent provided by the contract. This restriction does not limit the right of this document's recipient to use information contained herein if it is obtained from another source without restriction.

All contracts are subject to the terms and conditions posted at www.achieve3000.com/terms.

Fees

The applicable fees for this proposal are:

Product	Description	Unit Cost	Quantity	Total Cost
<i>KidBiz3000 student e-mail accounts</i>	Secure e-mail for students, with daily e-mail message written on students' individual reading levels	\$3.10	65,000	\$201,500
<i>KidBiz3000 e-mail setup</i>	Setup of district, school, and student profiles	\$.50	65,000	\$32,500
<i>KidBiz3000 staff development</i>	On-site "train the trainers" model	\$1200	9 days	\$10,800
<i>Project Management</i>	Project management services	\$35,000	1	\$35,000

Total Cost: \$279,800 _____

Acceptance

Achieve3000 representative

School/district representative

Signed: _____

Signed: _____

Name: _____

Name: _____

Title: _____

Title: _____

Date: _____

Date: _____

E-Rate Elite Services, Inc.*Funding Technology Made Easier***Garnet E. Person, CFR**

Chief Executive Officer

P.O. Box 563
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(410) 902-5800

October 6, 2004

Mr. John Christie
Schools and Libraries Division
80 South Jefferson Rd.
Whippany, NJ 09781

Mr. Christie,

I am in receipt of your facsimile and e-mail request dated September 9, 2004, relative to Application# 393704. Regarding the validation of McKinley Technical High School and Kelly Miller Middle School these are both new schools. The District of Columbia Public Schools (DCPS) has both of these schools listed on their website. They may be found at the <http://www.k12.dc.us/dcps/schools/schoolsmain.html> by selecting "middle" and "senior high" respectively. This section will provide you the location and principal information on the two entities. The DCPS is essentially a self-validating entity since no State Department of Education to provide governance.

The discount validation of McKinley Technical High School and Kelly Miller Middle School should be treated as new schools without students. This is the reason that no students were listed in their entry of the Block 4. These schools were inserted and assumed the shared discount of the district in accordance with Schools and Libraries Division guidelines.

The Paul Robeson School, Jackie Robinson Center and Rose School are all small facilities that fall under the DCPS for education purposes. These are special education facilities and the numbers listed as eligible were established using those students that are wards of the state. Since these schools only handle special education students, free lunch is provided for all students because of their mental handicaps and state status. If you have additional questions regarding these facilities, please feel free to contact Dr. Al-Tamimi, Program Director at (202) 698-2329. However, Dr. Al-Tamimi is not authorized to make any changes to any applications filed by DCPS. Please contact my office if you believe there to be further action or requests in this matter.

The 10 FRN's in question, I have itemized them below:

FRN 1199328: This FRN has Nextel Communications as the listed Service Provider. Currently there are 900 cellular phones with a monthly bill total of \$90000.00 i.e. \$100.00 per line per month.

FRN 1199375: Verizon Wireless provides service for 100 phones at \$10000.00 per month. Monthly this is equal to \$100.00 per line per month.

FRN 1199411: AT&T Wireless provides service for 100 phones at \$10000.00 per month. Per line this is equal to \$100.00 per month.

FRN 1199458: Attached is a file marked "Edline quote 2004-2005 DC.pdf" provides a supporting documentation for the services requested.

FRN 1199527: Attached is a file marked "Verizon Internet Access Description," which provides a description of services to be rendered.

FRN 1199658: Attached is a file marked "Email3000 DCPS 011604," which provides supporting documentation for the services requested.

FRN 1199906: Attached is a file marked "DCPS MCI Pricing-BAFO 2 2 04," which provides supporting documentation for the DS3 Internet connection services requested.

FRN 1199988: Attached is a file marked "DCPS Verizon Phone Bill.pdf" which provides supporting documentation for the telephone services. The information provided are the summary pages and account numbers with respective pricing. This is the format for Verizon's billing of the DC Government. DCPS is proportionately billed for its share and those are the funds requested.

FRN 1200687: These are services ongoing month to month services that are currently being handled by Gary Tarantino for FY2003. You may want to speak with him, since the one-time costs are carried over from documentation that was provided to him on FY2003. It was determined that capital costs that exceeded \$500,000 required amortization over three years. The FY2004 one-time cost is a continuation of the amortized FY2003 cost. The attached file "Verizon-ATM Tariff Pricing Breakdown 5-25Miles" outlines the costs associated with the recurring charges.

FRN 1201193: We are still awaiting this information from the vendor. We are unable to discern the supporting quote and has requested that they provide a copy of identify which quote correlates to this request. We anticipate having a response shortly.

Please let me know if you have any questions regarding the information or attachments. Thank you for your patience and attention to this matter.

Thank you for your attention and patience in this matter.

Sincerely,

Garnet E. Person

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Chief Executive Officer